

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

VICKY RODRIGUEZ TORRES;
LUIS RAFAEL MALDONADO
VAILLANT, and their
conjugal partnership,

Plaintiffs,

vs.

Civil No. 09-1151 (JP)

GOVERNMENT DEVELOPMENT
BANK FOR PUERTO RICO;
JAVIER RAMOS LUINA in
official and individual
capacity; ENID LOPEZ LOPEZ
in official and individual
capacity; ANGEL PEREZ
RIVERA in official and
individual capacity;
JORGE IRIZARRY HERRANS,
in official and individual
capacity; LUIS I. ALFARO
MARTINEZ in official and
individual capacity;
MARINE COMAS TORRES in
official and individual
capacity; NAPHIS TORRES
PADRO, in official and
individual capacity;
EDGARDO RODRIGUEZ NIEVES,
in official and individual
capacity; and ABC
INSURANCE,

Defendants.

The deposition of:

VICKY RODRIGUEZ TORRES,
a plaintiff herein, was held at the law offices of
SCHUSTER & AGUILO, 221 Plaza Building, 15th Floor,
221 Ponce de Leon Avenue, San Juan, Puerto Rico 00918,
on Wednesday, August 12, 2009, at 9:45 a.m.

Reported by: Joanne de Thomas

ORIGINAL

1 anything. I can't recall. I'm not sure.

2 Q. Okay. So Harry de Jesus was still in the
3 department, correct?

4 A. Yes. And Harry de Jesus was then assigned
5 with TDF, as I can recall.

6 Q. Do you know whether the approach that
7 Edgardo Rodriguez made to you to transfer on a
8 "destaque" to the Banco de Desarrollo, if he also made
9 that approach to Harry de Jesus?

10 A. I don't know.

11 Q. You don't know.

12 So there came a time then--just to close this
13 line of questioning--where all the work that you were
14 doing in Private Financing related to TDF.

15 A. Yes. Except for the time that I had San
16 Jeronimo Caribe Project and Rincon Beach Resort.

17 Q. Was that before or after the portfolio was
18 sold to Banco de Desarrollo?

19 A. That was before the portfolio was sold.

20 Q. Okay. So after the portfolio was sold,
21 all the work that you were doing was TDF.

22 A. Yes.

23 Q. Then there came a time when you were
24 transferred to the Municipal Financing Department,
25 correct?

1 **retirement, correct?**

2 A. Yes.

3 **Q. Okay. Sheila Davila?**

4 A. She was also an analyst and was there.

5 **Q. Did she come in, or was she there before?**

6 A. Well, she was there before.

7 **Q. How was it that you were advised of this**
8 **transfer to Municipal Financing?**

9 A. Yes. Javier Ramos called us for a
10 meeting, all the staff. I mean Vivian Mercado, Lucy
11 Delgado, his secretary, Harry de Jesus, Marisilda
12 Gonzalez, Roberto Rodriguez, and myself.

13 **Q. And before you get in, let me get from you**
14 **clear so that I know the players in the Financing, in**
15 **the Private Financing Department, okay? It was Javier**
16 **Ramos as principal.**

17 A. Uh-huh. Yes.

18 **Q. What about Angel Perez? Was he there?**

19 A. Angel Perez was also there. As a matter
20 of fact, Angel Perez is my immediate supervisor, but
21 Angel, I think he was assigned-- I don't know if on
22 "destaque," but he was assigned temporarily to the
23 Tourism Company.

24 **Q. To TDF.**

25 A. No, not TDF. To the Tourism Company.

1 Q. Oh, Tourism Company. Okay. Sorry.

2 When did that happen? Do you recall?

3 A. No, I can't recall, but I think it
4 probably would-- I would say-- we're in 2009. In 2006
5 or something like that, but really I can't be sure.

6 Q. And in his absence you would report to
7 Javier Ramos?

8 A. Yes.

9 Q. Okay. So then you had Javier Ramos, Angel
10 Perez, who was in the Tourism Company, it was Harry--
11 Correct?

12 A. Harry de Jesus.

13 Q. --who was an account--

14 A. Senior account executive.

15 Q. Senior account executive.

16 There was you--

17 A. Uh-huh. Yes.

18 Q. --account executive.

19 A. Yes.

20 Q. You mentioned Lucy?

21 A. Lucy Delgado, executive secretary for
22 Javier Ramos. Vivian Mercado.

23 Q. Who is she?

24 A. She's the office manager, but she also
25 assisted Javier in many of his projects and diligence.

1 were excluded from.

2 A. Yes, that's true.

3 Q. And there's one in particular that was
4 very early on when you got there, correct?

5 A. "That was"? Sorry?

6 Q. Early on, a couple-- the week after you
7 got there.

8 A. I can't remember the name-- the date, but
9 yes.

10 Q. A training.

11 A. A training, yes.

12 Q. It was close to your arrival.

13 A. I can't say that because I can't remember
14 the-- you have the exact date?

15 Q. I want to know what you remember first.

16 A. I can't recall.

17 Q. What was the training about?

18 A. It was about accounting, governmental
19 accounting, or something like that.

20 Q. Uh-huh. This is an e-mail dated April 18
21 from you to Enid Lopez inquiring about this training
22 which took place on that same day, April 18, asking why
23 you were not included--

24 A. Yes.

25 Q. --correct?

1 A. Yes, that's correct.

2 Q. And she answered that same day.

3 A. Yes, that is correct.

4 Q. And she advised you that the spaces in
5 that training were limited and that it was directed to
6 accounting personnel.

7 A. Yes, but everyone in the Municipal Finance
8 Department went there except the secretaries.

9 Q. Did you have accounting responsibilities?

10 A. No, and they don't have either.

11 Q. But did you have them?

12 A. No. No, I didn't have it.

13 Q. Okay.

14 A. As a matter of fact, I didn't have any
15 responsibility because they didn't give me my job
16 description or my responsibilities and--

17 Q. You met with Enid when you got there--

18 A. Yes.

19 Q. --correct?

20 A. Of course.

21 MS. REXACH: Before moving on, let's mark
22 this as Exhibit 9.

23 (The document is marked for purposes of
24 identification as deposition Exhibit
25 No. 9.)

1 **Q. Were they performing work?**

2 A. They were performing at municipalities,
3 right.

4 **Q. Okay. So they were performing functions.**
5 **You were the one that was not.**

6 A. They were. Exactly. They had tasks
7 assigned.

8 **Q. Do you know what tasks they were**
9 **performing?**

10 A. Not exactly, but I can tell you that, and
11 if you will please allow me to clarify myself, when you
12 asked me about the tasks at Municipalities that I told
13 you there were four--

14 **Q. Uh-huh.**

15 A. --I recall that there was another one that
16 was given to me directly through Enid. Enid told to me
17 in a staff meeting, that all of the other people were
18 present, that she needed my help because Feijo was
19 going to be working with the last process of the MFAs
20 and he would not be able to supervise the analysts. So
21 that she wanted me to do that work until Feijo
22 disoccupies (sic) himself.

23 **Q. To supervise the analysts.**

24 A. To supervise the analysts. And that was
25 said in the meeting with all the people present. And I

1 said, "Oh, yes. Of course." And she told me, "I will
2 tell you later what your responsibilities, your job
3 will be."

4 I can't recall the exact date, but I learned
5 that the job to be done about that, I learned it
6 directly from Enid's secretary, Amarillis-- I think
7 it's "Torres," her last name. And the job was going to
8 be this. "Okay, Vicky. Enid sends you this. These
9 are the cases that were received today from different
10 municipalities. You're going to see like a short
11 review on them, a very short review, and then you're
12 going to go to the analysts and give that paper to
13 them." That was the job that I was going to do.

14 Anyway, I was so touched by this that I decided
15 on my own that after two or three weeks of going there
16 and give the analysts the papers, that I decided that,
17 "Well, maybe it's good for me to have a follow up of
18 the cases," and that I did.

19 **Q. So you did follow up with the cases.**

20 **A.** Yes. But that will be another-- in
21 another moment I will explain later on what happened.

22 **Q. What happened?**

23 **A.** Oh, you want to know it now?

24 **Q. What happened?**

25 **A.** Okay. So I did that and there's e-mails

1 that is very good interpersonal relationships, that
2 doesn't mess with anybody, except for that shameful
3 incident with Jesus Garcia, and, you know, I didn't--

4 Q. So what you're telling me, since you can't
5 think of any reason to justify what happened, it must
6 be discrimination.

7 A. Yes.

8 Q. That's your testimony.

9 A. Yes.

10 Q. On the basis of age and on the basis of
11 gender.

12 A. Yes.

13 Q. Okay. You also complain about what
14 happened before you were transferred and at some point
15 earlier you had told me that you had received hostile
16 treatment on the part of Angel Perez and Javier Ramos.

17 A. Uh-huh.

18 Q. Okay. What is that hostile treatment?
19 What is it that they did?

20 And we have gone through already about the fact
21 that they were not including you in certain meetings,
22 that they were not copying you in certain documents or
23 keeping you abreast of what was happening with your
24 accounts.

25 A. Uh-huh.

1 Q. Other than those, is there anything else?

2 A. As I can recall right now, no. Javier
3 is-- he's not very communicative, you know, but I felt
4 that sometimes that he was trying to-- like to ignore
5 my qualifications.

6 Sincerely, I think that he considers himself a
7 more prepared person than me. And I know, I recognize
8 his expertise, but I also have it. And he hasn't been
9 able to recognize that. And he has acted like he
10 hasn't been able to recognize it and that's my
11 perception.

12 Q. And why do you reach the conclusion that
13 he has done that because of your age and your gender?

14 A. Well, there must be a reason, right? And
15 then you start to do like a checklist. "Okay. Okay,
16 Vicky. You do not have a good education. I do have a
17 good education. Okay."

18 Q. But did he tell you that you didn't have
19 any education?

20 A. No, no, no. I mean that I--

21 Q. Okay. So let me--

22 A. --in my mind.

23 Q. Let me go back. Then again, since you
24 cannot understand why it is that he's treating you in
25 this manner that you find inappropriate, you conclude

1 that it must be discrimination.

2 A. Yes

3 Q. On the basis of your age and of your
4 gender.

5 A. As a matter of fact, Javier, when the
6 students from the Instituto Berrocal, every summer they
7 stay with us about one or two months, and he's able to
8 give them a lot of things, even participation.

9 As a matter of fact, I don't know-- right now if
10 you ask me how many projects Javier has in charge right
11 now, I can't tell you. There are lots of them. Lots
12 of them. And I don't have not a single one. Can you
13 tell me why?

14 Q. I'm not here to answer your questions.

15 A. Yes, yes. But--

16 Q. But you don't know why either.

17 A. I don't know.

18 Q. You don't know.

19 A. So there must be a reason.

20 Q. You assume that it's discrimination.

21 A. Other thing.

22 Q. What else?

23 A. Other consideration. When I go to the
24 meetings I have to ask for a car to go to the meetings,
25 usually Condado Duo, that there are site visits.

1 Ramos treats you differently than other people.

2 Other than what you have just said, anything
3 else?

4 A. Not that I can recall at this moment.

5 Q. Any comments that he made regarding your
6 age?

7 A. No.

8 Q. Or your gender?

9 A. No.

10 Q. Not one?

11 A. Not one.

12 Q. What about Angel Perez?

13 A. Well, Angel was the one that sent me the
14 e-mail "Brain Exercise." I do recall in a--

15 Q. Hold on. Hold on a second. There's no
16 question pending.

17 A. Pardon me.

18 Q. This is the e-mail, the "Brain Exercise"
19 e-mail, that you said was offensive.

20 Is that the one?

21 A. Yes, this is.

22 Q. Okay.

23 MS. REXACH: Let's mark that as Exhibit 18
24 of the deposition.

25 (The document is marked for purposes of

1 A. Yes.

2 Q. Okay. Other than that e-mail, any other
3 behavior or conduct on the part of Angel Perez that you
4 claim is discriminatory because of your age or gender?

5 A. Well, as a matter of fact, Angel still is
6 my supervisor, my immediate supervisor, and he hasn't
7 spoken with me since he left to the Tourism Company. I
8 don't know why.

9 Q. Well, he isn't there physically.

10 A. Yes, but he's usually, you know, back and
11 forth, back and forth.

12 Q. Okay.

13 A. Especially during this year.

14 Q. Has there been a need for him to speak
15 with you?

16 A. Well, if he's my supervisor...

17 Q. But that function has been assumed by
18 Javier.

19 A Well, probably it's in accordance with
20 Javier's instructions. I don't know.

21 Q. You don't know.

22 A. I'm only telling you what I know.

23 Q. What else?

24 A. I remember Javier telling in a-- I can't
25 recall the date. In a meeting. Harry de Jesus was

1 there also. I don't know what was the matter that he
2 was discussing with us, but I remember that Javier said
3 that their kids joked with him because he couldn't
4 focus well on something that he was reading or
5 something like that. And the kids joked with him and
6 said, "You look old. You look like 'un viejito,'"
7 like--

8 Q. This was Angel?

9 A. That was Javier.

10 Q. Oh, Javier.

11 A. I can't remember the date. It was a
12 meeting and--

13 Q. He told him he looked like a "viejito."

14 A. Yes.

15 Q. And he told you this.

16 A. Yes, his kids. His kids.

17 Q. And he told you this?

18 A. He told us at the meeting.

19 Q. You and somebody else.

20 A. Yes. Harry. Harry de Jesus was there.

21 And I think Lucy Delgado.

22 Q. And you find that was discriminatory
23 against you?

24 A. That was discriminatory.

25 Q. Why?

1 A. Because it implies that a person that is
2 old doesn't see well. Not necessarily.

3 Q. This is what a child was telling his
4 father.

5 A. Uh-huh. And this is what I tell to you.
6 This is my perception.

7 Q. And you on the basis of him sharing this,
8 about what his child told him, you assume that he's
9 discriminating against you.

10 A. No, not for that. For all the reasons we
11 have talked about.

12 Q. Okay. But we were talking about Angel
13 Perez.

14 A. Yes.

15 Q. And you told me that you didn't speak with
16 him, you haven't spoken with him for a very long time.

17 A. Since he left for Tourism.

18 Q. And isn't it true that on one occasion
19 Javier told you, "Ask Angel. Call him to his cell
20 phone," and you said you didn't want to call him to his
21 cell phone?

22 A. Yes, that is true. That happened not so
23 long ago. I think it was--

24 Q. Why wouldn't you want to call him?

25 A. Well, if you have a supervisor that

1 doesn't talk to you, doesn't give you any information
2 regarding your clients... like, for example, the Duo,
3 the project of the Condado Duo, he's very, very
4 involved with that, Angel. And as a matter of fact,
5 you do have in your documents many e-mails that he has
6 produced where he copies everybody, lawyers and
7 colleagues, and Vicky is not there, even though he
8 knows that I am the account executive for the account.

9 **Q. So why didn't you want to call him?**

10 **Because of that?**

11 A. Yes. As a matter of fact, I think that
12 he's not-- what I perceive is that he doesn't like to
13 be addressed, at least by me. I don't know why, but
14 that's his privilege. And when Javier told me that, as
15 a matter of fact, I did speak with him.

16 **Q. You did call him.**

17 A. Yes, I did call him. It was an
18 instruction from Javier.

19 **Q. Okay. What about Luis Alfaro?**

20 A. Luis Alfaro, my only relation with him was
21 through the meeting on April 4th, but I understand--

22 **Q. The meeting on April 4th?**

23 A. Sorry. Yes, on April 4th at the--

24 **Q. When you were advised that you were going**
25 **to be transferred to the Municipal Finance?**

1 A. No. April 2 is the meeting with Javier.
2 April 4 is the meeting with Alfaro and Jose Chaves and
3 Marine Comas.

4 Q. Uh-huh. Okay.

5 A. Okay. That's the only time that I met
6 him. I haven't met him before. I had seen him in the
7 bank, but I was never introduced to--

8 Q. And why are you suing him? Why is he sued
9 in this case?

10 A. Because he was supposed to be acquainted
11 with my qualifications and he said to me that there was
12 a need for my expertise and Marie was present there.
13 And why then when I went to Municipalities there was no
14 work? I can't understand that.

15 Q. But he was not the one that was assigning
16 the work in Municipalities. It was Enid Lopez--

17 A. Well--

18 Q. --correct? It was Enid Lopez who was
19 assigning the work.

20 A. It's supposed to be, yes.

21 Q. Okay.

22 A. But the one that called me to go to his
23 office was his office. It was not Enid. I didn't
24 receive a call from Enid or from Javier or from Marine.

25 Q. To your knowledge, did he personally do

1 anything--

2 A. His secretary.

3 Q. Let me finish the question.

4 Did he personally do anything or give any
5 instructions to anyone not to assign you work? Did
6 that happen?

7 A. No, I don't know that.

8 Q. You don't know.

9 A. No.

10 Q. So you're making him responsible for
11 Enid's failure to give you work. That's what you're
12 saying?

13 A. I understand that he's responsible for
14 the--

15 Q. "Yes" or "no"?

16 A. Yes.

17 Q. Anything else that you understand Alfaro
18 did to you that is discrimination?

19 A. No, that was my only contact with him.

20 Q. That's your only complaint against him.

21 A. Yes.

22 Q. Did he ever mention, make any comment
23 discriminatory or improper or inappropriate on the
24 basis of your age or gender?

25 A. Who? Alfaro?

1 **Q. Alfaro.**

2 A. No.

3 **Q. Okay. What about Marine Comas? What are**
4 **your allegations against her?**

5 A. Marine Comas knows my career at the bank
6 very well because she has attended to many of-- first
7 of all, he's-- she's director of recruiting and
8 "nombramientos" and her department is supposed to
9 qualify all the applicants for the different positions
10 that the bank has. So she's aware of all the positions
11 that I have asked for.

12 She's also aware of the many communications that
13 I sent to her which were not answered by her. And that
14 was back then. I don't know if it was 2003 or 2004. I
15 can't recall right now. But it's in your documents.
16 And I think she's responsible for not having the bank
17 or the officers or the supervisor in the different
18 departments-- the bank is supposed to elect the persons
19 on a basis of merit and then if you have a person that
20 is qualified in all aspects, why do you select someone
21 that has been totally new in the bank, that probably
22 has four, six months, seven months in the bank?

23 **Q. Have you considered the possibility that**
24 **they're more qualified than you?**

25 A. It could be.

1 the person in terms of academic achievements and so and
2 so and so and so.

3 But my question would be, and I have always had
4 that doubt, what kind of interference then is the Human
5 Resources Department? Like, for example--

6 Q. "Interference" or "intervention"?

7 A. "Intervention." Sorry. "Intervention."

8 Like, for example, let's suppose that we do have
9 a position for translator and the supervisor decides of
10 that department, decides that they want a Chinese, even
11 though the Chinese doesn't know Spanish.

12 So Marine Comas and her department are supposed
13 to be okay with that because her decision was on the
14 side of the supervisor?

15 Q. But, see, I want you to talk about
16 specifics. Specifically as to the positions that you
17 applied for and were not granted, what is your
18 understanding of what Marine did that was
19 discriminatory?

20 A. Well, she never said anything. She never
21 did anything.

22 Q. She was not the person making the
23 decision, was she?

24 A. Well, I don't know.

25 Q. Did you complain to her as to the

1 **decision--**

2 A. No.

3 Q. --for her to investigate or do something?

4 You didn't do that.

5 A. As a matter of fact, I think I copied her.
6 I copied her when-- yes.

7 Q. Which one?

8 A. I can't recall.

9 Q. You can't recall.

10 A. But you have it in the documents.

11 Q. You copied her in an e-mail.

12 A. I think so, but I can't assure you.

13 Q. But you can't tell me today.

14 A. No.

15 Q. And not even regarding what or the date.

16 A. It's supposed to be on the position
17 selected.

18 Q. But which position?

19 A. I am not sure about the date because
20 probably--

21 Q. Not "probably."

22 A. I don't know if Elizabeth de la Cruz-- I
23 don't know if Marine was already in the bank and I
24 copied her. No. Griselle Robles was there.

25 Q. So to understand your claims against

1 Marine Comas, you are making her responsible for the
2 fact that you didn't receive these positions.

3 A. For not doing anything, even providing the
4 eligible certificate that is supposed to be done on
5 the-- after you interview all the applicants that
6 qualify for the position you're supposed to give all
7 the applicants either a letter saying that you are not
8 qualified or the position has been taken and there,
9 from the positions that I have asked for, there are
10 about four times-- four or five of them that didn't
11 receive any answer. I know that a person was selected,
12 of course, but I didn't receive any answer--

13 Q. But you were interviewed. Except for the
14 one that was given to Madeline Cajigas, you were
15 interviewed.

16 A. I was interviewed.

17 Q. So she prequalified you for all of those.

18 A. Yes.

19 Q. And the decision was not made by her. She
20 simply communicated it to you.

21 A. Yes. And--

22 Q. And your testimony is that she didn't
23 communicate you eventually who was that got the
24 position.

25 A. My--

1 Q. "Yes" or "no"?

2 A. My feeling is that she was supposed to do
3 something when you see that the principle of merit is
4 not being honored. That's my perception.

5 Q. Did you tell her that you felt that the
6 principle of merit--

7 A. No.

8 Q. --was not-- was there any reason that she
9 should have been suspicious of the fact that that was
10 the case? "No"?

11 A. I don't know.

12 Q. You don't know.

13 A. I don't know.

14 Q. Did she ever make any comment to you or
15 statement to you regarding your age or gender?

16 A. No. As a matter of fact, I do not have
17 any contact with Marine.

18 Q. What about Naphis Torres? What are your
19 claims against him?

20 A. Well, Naphis came in I think in 2008. He
21 was new at the bank. And, well, Naphis was the one
22 that received all the claims that I explained to him.
23 And when he left the bank on December 31 he sent
24 through the e-mail to all the personnel a very
25 emotional letter saying that he felt very proud of

1 Q. Uh-huh. So again, why do you believe that
2 he discriminated against you--

3 A. Because nothing has been done.

4 Q. --because of your age and gender?
5 Because nothing has been done?

6 A. Because nothing has been done and there
7 must be a reason for that.

8 Q. And you just conclude that it's
9 discrimination.

10 A. And I conclude that it's age, yes.

11 Q. Has he mentioned, made any comments,
12 discriminatory or improper or--

13 A. I don't have any contact with him.

14 Q. Regarding your age or gender.

15 A. Edgardo Rodriguez, I don't have any
16 contact with him.

17 Q. In your responses to discovery you
18 mentioned some individuals who witnessed a hostile work
19 environment against you. Mildred Ayala, what do you
20 understand she saw or knows?

21 A. Mildred Ayala noticed, first of all, that
22 I didn't have an office when I was transferred to--

23 Q. "First of all" what?

24 A. That I didn't have an office when I was--

25 Q. And she knows that you didn't have an